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OFFICE OF PETITIONS

In re Application of
Dale Clifford et al.
Application No. 10/076,122
Filed: February 14, 2002
Attorney Docket No. 6005.019

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 18, 2002, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 5, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. A two-month extension of time under the provisions of 37 CFR 1.136(a) was obtained on March 5, 2002. Accordingly, the above-identified application became abandoned on May 6, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1440 extension of time submitted with the petition on December 18, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund by writing the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

A handwritten signature in cursive script, appearing to read "Latrice Bond".

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy